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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 RONALD L. DOOMS, and BRENDA C.
12 DOOMS,

13 Plaintiffs,

14 v.

15 CAL-WESTERN RECONVEYANCE
16 CORPORATION OF WASHINGTON,
17 MORTGAGE ELECTRONIC
18 REGISTRATION SYSTEM, INC., and
19 AURORA LOAN SERVICES, LLC,

20 Defendants.

CASE NO. C11-5419RJB

ORDER ON DEFENDANTS'
MOTION TO CANCEL LIS
PENDENS

21 This matter comes before the Court on Defendants' Motion to Cancel the Lis Pendens.
22 Dkt. 41. The Court has considered the relevant documents and the remainder of the file herein.
23 Plaintiffs, acting *pro se*, filed this action, seeking to stop foreclosure on their home,
24 asserting that Defendants violated various federal and state statutes. Dkt. 32. On July 21, 2011,
Plaintiffs filed a copy of a *Notice of Lis Pendens*, which, according to Plaintiffs, was also filed
with the Pierce County, Washington Auditor. Dkt. 27. That pleading identifies the subject

1 property as follows: “the subject property has an APN: 6885000040; and is also commonly
2 known as: 14811 16th Avenue Ct. S. Spanaway, WA 98387-8826.” *Id.*, at 1. Plaintiffs also
3 provide a legal description on the notice, which reads: “Section 20 Township 19 Range 03 Quarter
4 24 PINWOOD GLEN: PINWOOD GLEN L4 B1 SUBJ TO UTILITY EASE.” *Id.*, at 2.

5 On November 16, 2011, Defendants’ Motion to Dismiss (Dkt. 38) was granted and
6 Plaintiffs’ case was dismissed with prejudice. Dkt. 42. In their Reply, Defendants moved the
7 Court for an order canceling the lis pendens that Plaintiffs filed with the Peirce County Auditor.
8 Dkt. 41. In an effort to give Plaintiffs an opportunity to respond, the motion to cancel the lis
9 pendens was renoted to December 2, 2011. Dkt. 42. Plaintiffs were sent a copy of the Order by
10 U.S. mail to the address Plaintiffs provided, but it was returned by the post office as
11 undeliverable. Dkts. 43-44.

12 For the reasons set forth below, Defendants’ Motion to Cancel the Lis Pendens (Dkt. 41)
13 should be granted.

14 MOTION TO CANCEL THE LIS PENDENS

15 Under RCW 4.28.325, “Lis Pendens in Actions in United States District Courts Affecting
16 Title to Real Estate,” “[i]n an action in a United States district court . . . affecting the title to real
17 property in the state of Washington after an action affecting title to real property has been
18 commenced . . . the plaintiff . . . [or] a defendant . . . may file with the auditor of each county in
19 which the property is situated a notice of the pendency of the action.” Further, RCW 4.28.325
20 provides that,

21 [T]he court in which the said action was commenced may, at its discretion, at any
22 time after the action shall be settled, discontinued or abated, on application of any
23 person aggrieved and on good cause shown and on such notice as shall be directed
24 or approved by the court, order the notice authorized in this section to be canceled
of record, in whole or in part, by the county auditor of any county in whose office

1 the same may have been filed or recorded, and such cancellation shall be
2 evidenced by the recording of the court order.

3 Defendants' motion for an order to the county auditor to cancel the lis pendens (Dkt. 41)
4 should be granted. This case has been dismissed with prejudice. Dkt. 42. Plaintiffs were given
5 notice the Court was considering this action in the Order Granting the Motion to Dismiss (Dkt.
6 42), which was sent to their last known address. Fed. R. Civ. P. 5(b)(2)(C). Plaintiffs had an
7 opportunity to be heard and did not file any response. There is good cause to cancel the notice of
8 lis pendens. Accordingly, the Pierce County Auditor should be directed to cancel the lis
9 pendens.


10 **ORDER**

11 Accordingly, it is hereby **ORDERED** that:

- 12 • Defendants' Motion to Cancel the Lis Pendens (Dkt. 41) **IS GRANTED**; and
- 13 • Pursuant to RCW 4.28.325, the Pierce County, Washington Auditor is directed to cancel
14 the lis pendens filed regarding this lawsuit on the property commonly known as 14811
15 16th Avenue Ct. South Spanaway, Washington; Auditor's Parcel Number 688500-0040.

16 The Clerk is directed to send uncertified copies of this Order to all counsel of record, the
17 Pierce County, Washington Auditor, and to any party appearing *pro se* at said party's last known
18 address.

19 Dated this 6th day of December, 2011.

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21 ROBERT J. BRYAN
22 United States District Judge
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